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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,544	02/21/2006	Osamu Kurai	VPM-01401	4325
54/004 7590 10/27/2010 MUIRHEAD AND SATURNELLI, LLC 200 FRIBERG PARKWAY SUITE 1001 WESTBOROUGH, MA 01581				
EXAMINER				
VO, CECILE H				
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2169				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/551,544

**Applicant(s)**

KURAI ET AL.

**Examiner**

CECILE VO

**Art Unit**

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-6 and 9-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 9-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Appeal Brief***

In view of the Appeal Brief filed on 07/26/2010, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

/Tony Mahmoudi/

Supervisory Patent Examiner, Art Unit 2169

If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal.

If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. Appellant must file a complete new appeal brief in compliance with the format and content requirements of 37 CFR 41.37(c) within two months from the date of filing the new notice of appeal. See MPEP § 1205.

1. This Office Action is in response to the Applicants' amendment received on 05/17/2010.

**Claim Status**

2. **Claims 2-6 and 9-26** are currently presenting for examination, with claims 4, 5, 6, 15, 19 and 23 being independent. Claims 2-6, 9, 11, 13, 15, 19 and 23 are currently amended. Claims 1, 7 and 8 are canceled.

***Response to Arguments***

3. Applicant's argument, see Appeal Brief, filed 07/26/2010, with respect to the rejections of claims 2-6 and 9-26 under 35 U.S. C. 102(e) as being anticipated by Sugimoto et al., Patent Number US 7,310,628, has been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

***Claim Objections***

Claims 23-26 are objected to because of the following informalities: The preamble of claims 23-26 recite "An information providing server group" is rendered as indefinite because these claims fail to further define the boundaries to of a method or apparatus claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2-6 and 9-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagatomo et al., US Patent Number 6,334,126 (hereinafter "Nagatomo").

Claim 1 is canceled.

Regarding claim 2, Nagatomo further discloses model group is provided per kind of the content (see Fig. 7A).

Regarding claim 3, Nagatomo further discloses the search device further comprising:

a template corresponding to every said terminal units of a plurality of generations in which the display capacities of the search results are different (see Fig. 2B and 3B);

a generation detecting means for detecting the generation of the terminal unit to which the information request command to said search means is supplied (col. 10, lines 44-49 ); and

a search result generating means for generating the data of the search result in correspondence to the generation of the terminal unit detected by said generation detecting means (col. 10, lines 59 thru col. 11, lines 16).

Regarding claim 4, Nagatomo discloses a search device providing a search results to a requesting terminal unit (e.g. a server 2 in Fig. 1, an information processing apparatus, manages the database. The server 2 analyzes a search request sent over a network by a search requester, and access the database to acquire a search result, col. 5, lines 55-63), the search results including at least one address corresponding to content provided by content providing server capable of providing content, the content provided by the content providing server corresponding to information showing a capacity of the requesting terminal unit included in an information request command along with a keyword from the requesting terminal unit (e.g. the controller analyzes the search request input via the I/O section and accesses the database to acquire the search result, col. 10, lines 41-43), the search device comprising:

a search server that provides (e.g. server 2 in Fig. 1):

a crawling means for searching predetermined addresses corresponding to said content by using the information showing the capacity of the requesting terminal unit according to a typical model of the requesting terminal unit in a model group, the model

group being set according to the capacity (e.g. Upon reception of the terminal ID code and program number from each communication terminal, the server 2 can know the terminal ID code and program number of the communication terminal to which the search result should be sent (or maybe the communication terminal of the search requester) by referring to the access terminal memory 22. The controller 23 analyzes the search request input via the I/O section 21 and accesses the database 1 to acquire the search result. Further, the controller 23 refers to a data attribute memory 24 shown in FIG. 8 to detect the attribute of data acquired from the database 1 as the search result. The "data attribute" represents if each data in the database 1 is stored as image data, voice data or text data, col. 10, lines 35-49);

a search index holding the predetermined addresses corresponding to the content obtained by said crawling means in correspondence to an identifier that identifies the requesting terminal unit in the model group at a time of crawling (see Fig. 7A, 7B and Fig. 8); and

a searching means for gobbling down the predetermined addresses in said search index which correspond to content corresponding to the key word and the identifier included in the information request command from the requesting terminal unit (e.g. A collation section 34 accesses an access terminal memory 22 in accordance with data supplied via the data port 31 or telephone port 32 and performs collation to identify the ability and function of the communication terminal to which the search result should be sent, col. 9, lines 52-56); and

a search result generating means for generating a search result including said predetermined addresses gobbled down by the searching means (e.g. a collation section accesses an access terminal memory in accordance with data supplied via the data port or telephone port and performs collation to identify the ability and function of the communication terminal to which the search result should be sent; then transfers the result of the function identification to the controller, col. 9, lines 48-60).

Regarding claim 5, Nagatomo discloses an information providing system comprising:

a content providing server capable of providing content (e.g. server 2, Fig. 1), the content provided by the content providing server including data corresponding to an information showing a capacity of a terminal unit included in an information request command (e.g. ID code table 221, Fig. 7A, Program table, Fig. 7 B in memory of the server 2 are used to provide search result in accordance with the ability and functions of search request); and

a search device, coupled to the content providing server (e.g. controller 23 in Fig. 5), that provides:

a crawling means for searching at least one address of said content by using the information showing the capacity of the terminal unit according to a typical model of the terminal unit in a model group the model group being set according to the capacity (e.g. Upon reception of the terminal ID code and program number from each communication terminal, the server 2 can know the terminal ID code and program number of the



communication terminal to which the search result should be sent (or maybe the communication terminal of the search requester) by referring to the access terminal memory 22. The controller 23 analyzes the search request input via the I/O section 21 and accesses the database 1 to acquire the search result. Further, the controller 23 refers to a data attribute memory 24 shown in FIG. 8 to detect the attribute of data acquired from the database 1 as the search result. The "data attribute" represents if each data in the database 1 is stored as image data, voice data or text data, col. 10, lines 35-49);

a search index holding the at least one address of the content obtained by said crawling means which correspond to content corresponding to an identifier that identifies the terminal unit in the model group at a time of crawling (see Fig. 7A, 7B and Fig. 8); and

a searching means for gobbling down the at least one address of the content in said search index in correspondence to the identifier included in the information request command from the terminal unit (e.g. A collation section 34 accesses an access terminal memory 22 in accordance with data supplied via the data port 31 or telephone port 32 and performs collation to identify the ability and function of the communication terminal to which the search result should be sent, col. 9, lines 52-56).

Regarding claim 6, Nagatomo discloses an information searching system comprising:

a content providing server capable of providing content (e.g. server 2 in Fig. 1), the content provided by the content providing server including content corresponding to information showing a capacity of a terminal unit included in an information request command and a key word (see Fig. 7A, 7B and Fig. 8); and

a search device, coupled to the content providing server, that provides:

a crawling means for searching at least one predetermined address corresponding to said contents by using the information showing the capacity of a typical model of the terminal unit in a model group, the model group being set according to the contents capacity (e.g. Upon reception of the terminal ID code and program number from each communication terminal, the server 2 can know the terminal ID code and program number of the communication terminal to which the search result should be sent (or maybe the communication terminal of the search requester) by referring to the access terminal memory 22. The controller 23 analyzes the search request input via the I/O section 21 and accesses the database 1 to acquire the search result. Further, the controller 23 refers to a data attribute memory 24 shown in FIG. 8 to detect the attribute of data acquired from the database 1 as the search result. The "data attribute" represents if each data in the database 1 is stored as image data, voice data or text data, col. 10, lines 35-49);

a search index holding the at least one predetermined address of the content obtained by said crawling means in correspondence to a an identifier that identifies the terminal unit in the model group at a time of crawling (see Fig. 7A, 7B and Fig. 8);

a searching means for gobbling down the at least one predetermined address in said search index which correspond to content corresponding to the key word and the identifier included in the information request command from the terminal unit (e.g. A collation section 34 accesses an access terminal memory 22 in accordance with data supplied via the data port 31 or telephone port 32 and performs collation to identify the ability and function of the communication terminal to which the search result should be sent, col. 9, lines 52-56); and

a search result generating means for generating a search result including said predetermined addresses gobbled down by the searching means (e.g. a collation section accesses an access terminal memory in accordance with data supplied via the data port or telephone port and performs collation to identify the ability and function of the communication terminal to which the search result should be sent; then transfers the result of the function identification to the controller, col. 9, lines 48-60).

Claim 7 is canceled.

Claim 8 is canceled.

Regarding Claims 9, 11 and 13 Nagatomo discloses, the capacity includes a content display capacity (see Fig. 7A).

Regarding Claims 10, 12 and 14 Nagatomo discloses, the identifier that identifies the terminal unit is a model name (see Fig. 7A).

Regarding claim 15, Nagatomo discloses a method for providing a search service, comprising:

providing a server that includes data (e.g. server 2 in Fig. 1);

receiving, at the server, a request generated for a requesting device corresponding to the data in the server, wherein the request includes capacity information of the requesting device and requested content (e.g. FIG. 2B is a structural diagram of packet data which is set on the network 3 at the time of informing the server 2 of the ability or the like of the search requesting communication terminal, col. 7, lines 38-41);

searching the data in the server to provide search results according to the capacity information of the requesting device and according to the requested content (e.g. A collation section 34 accesses an access terminal memory 22 in accordance with data supplied via the data port 31 or telephone port 32 and performs collation to identify the ability and function of the communication terminal to which the search result should be sent, col. 9, lines 52-56); and

sending the search results to the requesting device in response to the request, wherein the search results correspond to the capacity information of the requesting device and the requested content (e.g. the search result can be sent to the

communication terminal at the transmission destination, col. 10, lines 53-58).

Regarding claim 16, Nagatomo further discloses, the capacity information includes display capacity information of the requesting device (e.g. The "ability or functions of a communication terminal" are a data reception/output capacity indicating, for example, if a communication terminal to which data is to be sent out has an image display function, or has a text display function or has a voice reproducing function, col. 6, lines 9-13).

Regarding claim 17, Nagatomo further discloses, the identification information includes a model name of the requesting device (e.g. the terminal ID code in Fig. 2A, represents the ability of the communication terminal, col. 8, lines 1-2).

Regarding claim 18, Nagatomo further discloses, the requesting device is a cellular phone (see Fig. 1).

Regarding claim 19, Nagatomo discloses a method for requesting data from a server, comprising:

sending a request generated for a requesting device to the server, wherein the request corresponds to data in the server, and wherein the request includes capacity information of the requesting device and request content (e.g. the search requester 8 executes a program, which has been stored in advance in a communication terminal, or

which has been written on a portable storage medium (CD-ROM, FDD or the like) and has been installed on the communication terminal 4, 5 or 6, and transmits and reports the ability and functions of the communication terminal, or the destination of the search result to the server 2 at the time of making a search request for information stored in the database 1, by manipulating the communication terminal 4, 5 or 6 connected to the network 3, col. 6, lines 28-38); and

receiving, at the requesting device, search results from the server, wherein the search results correspond to the capacity information of the requesting device and to the requested content (the search result can be sent to the communication terminal at the transmission destination, col. 10, lines 53-58).

Claims 20, 21 and 22 recite "*the method*" are similar to claims 16, 17 and 18. Therefore claims 20, 21 and 22 are rejected by the same reasons.

Regarding claim 23, Nagatomo discloses an information providing server group, comprising:

- at least one information providing server (e.g. server 2 in Fig.1) that includes:
  - a storage portion that stores information corresponding to a request generated for a requesting device, the request including capacity information of the requesting device and requested content (e.g. memory 16 in Fig. 4); and
  - a content server, coupled to the storage portion, that provides search results to the requesting device in response to the request, wherein the search results vary

according to the capacity information of the requesting device and according to the requested content (e.g. controller 23 extracts text data associated with image data and sends that text data as the search result, col. 10, lines 59-64).

Claims 24, 25 and 26 recite "*the information providing service group*" are similar to claims 16, 17 and 18. Therefore claims 24, 25 and 26 are rejected by the same reasons.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CECILE VO whose telephone number is (571)270-3031. The examiner can normally be reached on Mon - Thu (9AM - 5:00PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on 571-272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cam Y Truong/  
Primary Examiner, Art Unit 2169

/Cecile Vo/  
Examiner  
Art Unit 2169